

REMARKS

Applicant has carefully considered the Office Action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

Status of Claims

The subject application was originally filed with 18 claims. In response to a restriction requirement, Applicant elected claims 1–7. Claims 8–18 were subsequently withdrawn by the Office. In this amendment, Applicant has amended claims 1, 5, and 7 and cancelled claims 3 and 4. Upon entry of this amendment, claims 1, 2, and 5–18 will remain pending, with claims 8–18 withdrawn.

Summary of Office Action

In the Office Action dated September 17, 2010, the Office:

- (1) indicated that the foreign search reports cited on the Information Disclosure Statement (“IDS”) filed 8/1/2006 have not been considered;
- (2) rejected claims 5 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- (3) rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by applicant’s admitted prior art; and
- (4) rejected claims 1–7 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,193,948 issued to Charmley et al. (“Charmley”).

Information Disclosure Statement

The Office indicated that the foreign Search Reports cited on the IDS did not identify the related applications. Applicant submits herewith a Supplemental IDS, identifying the Search Reports as being related to PCT/GB05/00342 and GB Application No. 0402206.7. The subject application claims priority to both of these applications, as stated in the Application Data Sheet filed on August 1, 2006.

Rejections Under 35 U.S.C. § 112

The Office rejected claim 5 as having insufficient antecedent basis for the term “the sealing groove” and because the term “a second seal groove” was unclear. Applicant has deleted “a second seal groove” from claim 5 and replaced it with --a sealing groove--. Accordingly, the unclear term has been removed, and replaced with a definite term that provides antecedent basis for the later recitation of “the sealing groove.” Applicant believes that this amendment obviates the rejection of claim 5 under 35 U.S.C. § 112 and respectfully requests that it be withdrawn.

The Office rejected claim 7 as unclear as to whether it claimed a combination or subcombination. Applicant has amended claim 7, per the Office’s suggestion, to replace the preamble with: “An assembly including the tube retainer of claim 1.” Accordingly, Applicant believes this rejection has been obviated and respectfully requests that it be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

Applicant’s Disclosure

The Office rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Applicant’s disclosure—particularly Applicant’s discussion of Figures 1 and 2 in the subject application. Applicant traverses this rejection for the reasons set forth below.

Claim 1 has been amended to recite “an elongated external surface and a retention groove formed in and lying below the elongated external surface.” Support for this amendment may be found in Figure 3 and paragraph [0029]. No new matter has been added. The Office identified the area bounded by the shoulder 4 and the sealing ring shown in Figure 1 as a retention groove. (Office Action at 4.) However, this area is not formed in an elongated external surface. Further, this area does not lie below an elongated external surface. For at least these reasons, Figures 1 and 2 of the subject application fail to disclose each and every element of claim 1. Accordingly, Applicant respectfully requests that the anticipation rejection of claim 1 in view of Applicant’s disclosure be withdrawn.

Claim 2 depends directly from claim 1 and incorporates each and every element therein. Accordingly, Applicant respectfully requests that the anticipation of claim 2 be withdrawn for at least the same reasons discussed above.

Charmley

The Office rejected claims 1–7 under 35 U.S.C. § 102(b) as being anticipated by Charmley. Claims 3 and 4 have been cancelled, and their rejections are now moot. Applicant traverses the remaining rejections for the reasons set forth below.

Claim 1 has been amended to recite “a holding clamp configured as a flat plate having an aperture formed therein.” Support for this amendment may be found in Figure 5 and paragraph [0031]. No new matter has been added. The Office has identified the forked plate 70 of Charmley as a holding clamp. However, the forked plate 70 does not include an aperture formed therein.

Additionally, claim 1 has been amended to recite “a holding clamp configured as a flat plate having ... a slot extending from the aperture without intersecting a periphery of the flat plate.” Support for this amendment may be found in Figure 5 and paragraph [0031]. No new matter has been added. The forked plate 70 of Charmley does not include a slot extending from the aperture without intersecting a periphery of the flat plate.

For at least these reasons, Charmley fails to disclose each and every element of claim 1 as amended. Therefore, Applicant respectfully requests that the anticipation rejection of claim 1 be withdrawn.

Claims 2 and 5–7 depend, directly or indirectly from claim 1 and incorporate each and every element therein. Accordingly, Applicant respectfully requests that the anticipation rejection of these claims be withdrawn for at least the same reasons discussed above.

CONCLUSION

In view of the remarks above and the amendments presented herein, it is believed that claims 1, 2, and 5–18 are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

If additional fees are due in connection with this Amendment, the Commissioner is authorized to charge Deposit Account No. **02-2051**, specifically identifying Docket No. **29793-1**.

Respectfully submitted,

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